

IBM Docket No. GB919990026US1

#5
12/13/02
Rep/and

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Applicants:

BUTTERWORTH

Serial No.: 09/338,035

Filed: June 22, 1999

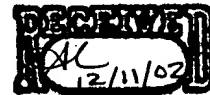
Date: December 11, 2002

Group Art Unit: 2156

Examiner: Tang, K.


Docket No.: JP920000092US1

Official

For: **DATA PROCESSING SYSTEMS AND METHOD FOR PROCESSING TASKS IN SUCH SYSTEMS**Assistant Commissioner for Patents
Washington, D. C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this papers (4 pages remarks to outstanding office action) are being facsimile transmitted under Rule 37 CFR 1.6(d) to the U.S. Patent and Trademark Office to (703) 746-7239, 305-9731, 308-6306 on December 11, 2002.


Derek S. Jennings
Registered Patent Agent / Patent Engineer
Reg. No. 41,473
Fax: 914-945-3281

RESPONSE TO THE OUTSTANDING OFFICE ACTION

In response to the Office Action dated September 11, 2002, applicants offer the following remarks addressing the outstanding Office Action.

Reconsideration is respectfully requested in view of the remarks herein.

Serial No. 09/338,035

1

IBM Docket No. GB919990026US1

In response to the Examiner's rejection of claims 1, 3, 4, 6, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk, claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Peters, claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Nilsen, claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Servi, claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Gulsen in view of Kirk further in view of Bourekas (hereafter referred too as the "rejections"), applicant traverses the rejections and believe that the claims are not obvious by the combinations of Gulsen in view of Kirk, singularly or in combination, or further in view of Peters, Nilsen, Servi, or Bourekas.

Applicant's claimed invention includes the method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task", a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." Gulsen fails to disclose applicant's claim method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task", a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." To the contray, Gulsen discloses the swaping portions of the current task's context that would be overwritten by the incoming task, see column 3, lines 4 – 6. Gulsen also discloses that the task are freed from the requirement of saving and restoring their own context, see column 3, lines 15 – 18. This has nothing to do with applicant's claimed invention. Kirk fails to correct the deficiencies of the Gulsen patent. Kirk fails to disclose applicant's claim method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before

Serial No. 09/338,035

2

IBM Docket No. GB919990026US1

processing the next ordered task", a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." The Examiner mentioned that Kirk is being cited for the teachings of instructions or tasks in a batch processing system. "That it would be obvious to process tasks into the batch one at a time to maintain order." Kirk only teaches that his patent evaluated the process by using an address trace technique in batch processing. However, this does not address applicant's claimed invention. Therefore, it would not have been obvious to one of ordinary skill in the art to combine or modify the teachings of the Gulsen in view of Kirk to make applicant's claimed invention.

Furthermore, Peters, Nilsen, Servi and Bourekas all fail to correct the deficiencies of the Gulsen patent, i.e. they fail to disclose applicant's claim method step of "placing the tasks of at least one task type into a batch such that the tasks in a batch are processed before processing the next ordered task", a program code means comprising "code means for scheduling tasks of like type into a batch such that tasks in a batch are processed before processing the next ordered task", and "means for scheduling tasks of like type into a batch, wherein the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." Therefore, it would not have been further obvious to one of ordinary skill in the art to combine or modify the teachings of the Gulsen in view of Kirk, further in view of Peters, Nilsen, Servi, or Bourekas to make applicant's claimed invention.

Applicant notes the prior art cited but not applied by the Examiner and agrees that they do not disclose or make obvious the claimed invention.

In view of the above remarks, applicant believe that the application is now condition for allowance and respectfully request the Examiner to reconsider and allow the above-identified application.

Serial No. 09/338,035

3

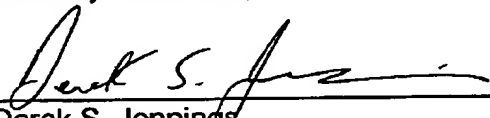
IBM Docket No. GB919990026US1

If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

In the event that this amendment does not result in allowance of all such claims, the undersigned respectfully requests a telephone interview at the Examiner's earliest convenience.

Respectfully submitted,

By: 
Derek S. Jennings
Registered Patent Agent / Patent Engineer
Reg. No. 41,473

IBM Corporation
Intellectual Property Law Department
P. O. Box 218
Yorktown Heights, New York 10598
Telephone No.: (914) 945-2144

Serial No. 09/338,035

4